



City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
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COUNCIL AGENDA: August 24, 2004

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Pamela Byrnes-O'Camb, City Clerk

SUBJECT: Biennial review of the City's Conflict of Interest Code and amendment to the Code to delete the position of Supervising Account Clerk and to add the position of Accounting Manager as an official who manages public investments; add the positions of Information Systems Director, Assistant Planner, Associate Planner, Senior Planner, and Members of the Historical Commission to the disclosure category of Designated Employee

RECOMMENDATION

It is recommended that the City Council adopt the Conflict of Interest Code as amended to delete the position of Supervising Account Clerk and add the position of Accounting Manager as an official who manages public investments; add the positions of Information Systems Director, Assistant Planner, Associate Planner, Senior Planner, and Members of the Historical Commission to the category of Designated Employee.

BACKGROUND

The Political Reform Act requires every local government agency to review its conflict of interest code biennially (even-numbered years) to determine if it is accurate and up-to-date, and to then make appropriate changes or determine that no changes are necessary.

A Conflict of Interest Code designates the positions within an agency that make or participate in the making of governmental decisions that may foreseeably have a material effect on any financial interest and refers to positions other than those required to report under Government Code Section 87200 (City Council Members, Planning Commissioners, City Manager, Finance Director/Treasurer, City Attorney).

The City's Conflict of Interest Code is generic in that it adopts by reference the terms of a standard conflict of interest code; therefore, if amendments are made to the Political Reform Act, the City's Code is in conformance, with the possible exception of disclosure categories.

Previously, the following changes were made:

1992 Added Members of the Planning Commission to the Designated Employee Disclosure Category.

Added Members of the Historical Commission to the Designated Employee Disclosure Category upon implementation of the Historical Preservation Ordinance.

- 1994 Added the position of Economic Development Director to the Designated Employee Disclosure Category; deleted the position of Building Inspector, as it is a contract service and the position of City Engineer, as the City contracted with various firms and no one firm or individual was named "City Engineer;" changed the designation of Director of Community Services to Director of Public Works.
- 1998 Deleted Members of the Budget Committee, Traffic Advisory Committee, and Historical Commission from the category of Designated Employee because "unsalaried members of boards or commissions which are solely advisory" are not included in the term "designated employee."
- 2000 No changes made.
- 2002 Added the Loma Linda Public Finance Authority Board Members to the disclosure category of Designated Employee.

In 1992, Members of the Historical Commission were added and were to file Conflict of Interest Statements upon implementation of the Historic Preservation Ordinance. Although the Historic Preservation Ordinance was adopted in 1992, the Historical Commission was deleted from the disclosure category in 1998 because the ordinance was not fully implemented.

The Historic Overlay Zone was recently adopted; therefore, it would be appropriate for Members of the Historical Commission to be included in a disclosure category.

ANALYSIS

The recommended modifications will accurately designate all positions that make or participate in the making of governmental decisions, and the disclosure categories assigned to those positions will accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may be materially affected by the decisions made by those holding the designated positions.

ENVIRONMENTAL

Not applicable.

FINANCIAL IMPACT

None.

Attachment: Disclosure Categories (Proposed)

**DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES
AND OTHER DESIGNATED POSITIONS
CITY OF LOMA LINDA**

City Clerk; Director of Finance; Planning Commission; Public Financing Authority Board Members; Consultants:*

All investments, sources of income, interests in real property as well as business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management. (Full Disclosure - All Applicable Schedules)

Public Works Director; ~~Information Systems Director.~~

Investments in business entities and sources of income of the type which are of the type to contract with the City of Loma Linda/Loma Linda Redevelopment Agency, to provide services, supplies, materials, machinery or equipment.

Director of Community Development; Director of Public Safety; Director of Economic Development; Redevelopment Project Area Committee Members (upon activation of Committee); Historical Commission Members upon adoption of the ~~Historical Preservation Ordinance.~~

Investments in business entities and sources of income, which engage in land development, construction or the acquisition or sale of real property. Interests in real property located within two miles of any land owned or used by the City or Redevelopment Agency.

Officials Who Manage Public Investments:

It has been determined that the position(s) listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200:

~~Supervising Account Clerk~~ ~~Accounting Manager~~

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Executive Director/Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The Executive Director's/Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Adopted January 26, 1988
Modified June 23, 1992
Modified October 11, 1994
Modified September 24, 1996
Modified September 22, 1998
Modified October 22, 2002